

## IS SENTENCED TO BE HANGED

John Wynne, for the murder of Archibald F. McKinnon, was yesterday sentenced by Judge Dole to be hanged between the hours of nine in the forenoon and five in the afternoon, of Wednesday, February 17, 1909.

The proceedings in this matter in which a human life was ordered told off, were impressive in their simple directness. There was not one in the courtroom who did not feel the strain and tension. Perhaps the prisoner himself, John Wynne, gave less outward manifestation of the ordeal than anyone else in the court room, though he was by no means unaffected. Though he advanced to the bar of the court, when called to stand up for sentence, without apparent nervousness, and answered in audible voice when asked if he had anything to say why sentence should not now be passed on him, there was evident a gulp in his throat, and a nervousness in his demeanor that even the habit of dull impassiveness he maintained throughout the trial could not entirely suppress.

The sentencing of Wynne had been set for two o'clock. At that hour Judge Dole dressed as he habitually is, in white, entered the court room from his chambers. The bailiff, Daniel Kikaha, with his gavel called attention and declared the court open. Clerk Murphy called the title of the case, the United States against John Wynne. At once the defendant, following his counsel, C. F. Clemons, arose, while the latter read a motion in arrest of judgment. United States Attorney Breckons opposing the motion said that the court had already considered the points raised by it and had already overruled them. Judge Dole formally overruled the motion in arrest of judgment, the principal point raised by which was whether this court had jurisdiction or not. Mr. Clemons then stated that a writ of error would be sued out of the Supreme Court of the United States. Mr. Breckons then moved that sentence be passed in accordance with the verdict. Judge Dole directed the prisoner to stand up. He did so, advancing to the bar of the court, and in reply to Judge Dole's question if he had anything to say why sentence should not be passed on him he replied, "No, your honor."

Judge Dole then read the judgment of the court which had been carefully prepared beforehand. While his voice seemed unaffected, it was evident that the strain was very great. And as soon as sentence was pronounced and the prisoner had been removed, Judge Dole adjourned court until Monday morning, and left the building. The judgment and sentence of the court was as follows:

On motion of Robert W. Breckons, Esq., Attorney for the United States for the District and Territory of Hawaii, the said defendant, John Wynne, was brought to the bar of this court, in the custody of the Marshal of said district, and it being demanded of him what he has to say or can say, why the sentence of the law, upon the verdict of guilty of murder heretofore returned against him by the jury in this case, on the ninth day of November, in the year of our Lord one thousand nine hundred and eight, shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said.

Whereupon, the premises being seen and by the court well and sufficiently understood, it is considered by the court that the said Marshal of the district aforesaid cause the said John Wynne to be taken hence and him, the said John Wynne, safely and securely keep, from the date hereof until Wednesday, the 17th day of February, in the year of our Lord one thousand nine hundred and nine, and on that day, and between the hours of nine o'clock in the forenoon and five o'clock of the afternoon of the said day, the said Marshal cause the said John Wynne to be taken to some convenient place within this district, to be appointed by said Marshal, and then and there, between the said hours of nine o'clock in the forenoon and five o'clock in the afternoon, on Wednesday, the said 17th day of February, in the year of our Lord one thousand nine hundred and nine, cause the said John Wynne to be hanged by the neck until he is dead.

And the clerk of this court is hereby required to furnish the Marshal of this district with a duly certified copy of this judgment sentence and order, which shall be retained by said Marshal with a full and true account of the execution of the same.

(Signed) SANFORD B. DOLE, Judge, U. S. District Court for the Territory of Hawaii.  
November 13, 1908.

The motion in arrest of judgment was signed by Wynne himself. It was accompanied by an affidavit by Frank Thompson, in which the same statements were made, accompanied by an outline of the argument in support of the law points. The motion signed by Wynne was as follows:

And now, after verdict against John Wynne, defendant aforesaid, and before sentence, comes the said defendant in his own proper person and moves the court here to arrest judgment herein, on each and every count in the indictment, and not pronounce the same and for the reasons following, to wit:

1. Because this court is, and was at all times herein, without jurisdiction to try the said defendant for any such act set forth in the said indictment or for any act set forth in any count thereof;

## CHINESE PRINCE AND AMBASSADOR WELCOMED

### Military Parade and Royal Salute--No Change in Plan

(From Sunday's Advertiser.)

When asked about the report of the death of the Emperor of China and the illness of the Empress Dowager, His Excellency Tang Shao-yi, Special Ambassador of China to the United States, said last evening:

"I am inexpressibly shocked by the sad news as given in today's press reports, of which I have, however, received no confirmation. I have only received a cablegram stating that the Emperor and the Empress Dowager are both seriously ill and that Prince Chun and his son (who is three years old) have been summoned to the Palace. The whole of China and loyal Chinese everywhere would mourn deeply the loss of their illustrious sovereigns, should the news be officially confirmed."

It is understood that the Ambassador will continue on his mission to the United States, his plans not being changed by any instructions he has received.

His Excellency Tang Shao-yi, special Ambassador of the Emperor of China to the United States to convey the Emperor's recognition of the voluntary return to China of the American Boxer indemnity, accompanied by Prince Tsai-Fu and suite of fifty-five persons, arrived in Honolulu yesterday on the Pacific Mail steamship Mongolia and was accorded the honors due his high official rank by the representatives of the Federal and Territorial governments.

As the Mongolia came alongside the Hackfeld wharf after dark, a battalion of infantry, comprising two companies of the 20th United States Infantry, under command of Captain Parsons, U. S. A., and a band of the Hawaiian National Guard, were on duty.

Revised Statutes of the United States, Section 5339, is unconstitutional and void.

3. Because no judgment against said defendant can be lawfully rendered on the record herein.

And this the defendant is ready to verify.

Wherefore, and for other errors manifest in the record herein, the said defendant prays that judgment against him be arrested as aforesaid, and that he be discharged and allowed to go hence without delay.

Honolulu, November 13, 1908.  
(Signed) JOHN WYNNE, Defendant above named.

From the courtroom Wynne was taken to the Marshal's office while the mittimus was being made out. Here Wynne was visited by McAllister and Fitzpatrick of the Alameda, members of the same union as Wynne, and acquaintances and friends of his. He was also visited by Joseph T. Liddy of the Seamen's Union, who has taken a very great interest in Wynne's case and has been active in securing for him a defense.

Wynne did not care to say anything regarding himself or his sentence. But after talking with his friends for some time, the mittimus having been made out, and the patrol wagon having arrived, he bade his friends good-bye in an airy sort of way and went almost jauntily to the patrol wagon which was waiting outside to take him to the prison, where he is now under the death watch.

"No, Wynne had nothing particular to say," said Joseph T. Liddy. "He took it like the brave man that he is—as brave as any old Trojan or Spartan ever was. Of course, he felt a bit put out that he had to be hanged. But he never will be. He'll go before the Supreme Court of the United States."

"We don't deny that he did," the telling, and that he ought to be punished for it, say fourteen or fifteen years. But the very atrocity of the crime shows that he was not responsible. It was the swinging of the hammer as he struck the blows that splashed the blood on the ceiling and sides of the room—this didn't come out in the evidence."

"And on such contradictory evidence that they should find the man guilty. There can't be any doubt but that he was drunk when he did the deed."

"How will funds be raised for to carry the case to a higher court? I am not at liberty to state, but I can tell you how they might be raised. He belongs to the Marine Firemen, Water Tenders and Oilers' Union, which is affiliated with the International Seamen's Union which will hold its annual meeting in New Orleans in January. This gathering can vote an assessment on the members of the Firemen, Water Tenders and Oilers' Union. That numbers not less than three thousand members. An assessment of four bits a member would raise \$1500, and certainly no member would be so un-Christlike as to refuse to pay four bits for to help get this man a new trial, especially when the evidence is so contradictory. At any rate, the case will be taken to the Supreme Court of the United States."

S. A., and two companies of the National Guard of Hawaii under command of Major Riley, who was mounted, came to attention. Secretary of the Territory E. A. Mott-Smith boarded the vessel as soon as the gangway was in readiness, accompanied by the Governor's military aides, Lieut. Chilton, 20th Infantry, U. S. A., and Lieut. Cummins, N. G. H., and Adjutant-General Jones, N. G. H. Following them were the secretaries of the Chinese Consulate.

On the main deck the Secretary of the Territory was met by Consul Tang Tseng Hai, who conducted them to the reading room, where His Excellency and the Prince and the former's secretary were waiting. Greetings were exchanged, and in response to the Secretary's inquiry whether the news of the Emperor's death would affect the plans for receptions ashore, His Excellency replied that he would be pleased to meet the Governor.

The Imperial party was then escorted to the dock and entered the Secretary's automobile. As the auto passed in front of the line of troops standing at present arms, the Hawaiian Band played national airs. The dock was crowded and the Chinese pressed forward eager to obtain a glimpse of the features of men of high rank whom they had never before seen. The troops fell in behind the auto and band and the procession moved up to King street and thence to the Capitol grounds. As the auto approached the main entrance a salute of twenty-one guns was fired by the National Guard. The Ambassador waited in the auto while the salute was fired.

#### In the Throne Room.

The Imperial party was received in the throne room by Governor Walter F. Frear, who was aided in this pleasant duty by ex-Governor A. S. Cleghorn, Brigadier-General Edward Davis, U. S. A. (retired), and Captain Exton, 20th Infantry, U. S. A., commandant of Fort Shafter, and the Governor's staff, Lieutenant Colonel Marston Campbell and J. H. Fisher, introductions being made by Secretary Mott-Smith. Lieutenant Chilton and Lieutenant Cummins were also in attendance.

The greetings over, His Excellency and the Governor chatted for about fifteen minutes, the conversation becoming general. Both His Excellency and his secretary speak excellent English, the Prince being the only member of the party at a disadvantage, he being unable to converse in English.

Governor Frear, in the formal greetings, welcomed the Ambassador and party to Hawaii, the gateway, so to speak, to the United States from the Far East. The Governor expressed the appreciation of the people of the United States at the action of the Chinese Government in sending a special embassy for the purpose of thanking the United States for the remission of the Boxer indemnity.

#### His Excellency's Greetings.

His Excellency, replying, expressed great pleasure in being in the Hawaiian Islands, and expressed thanks to the Governor for the friendly feelings existing toward the Chinese here. He stated that the Chinese people were extremely desirous of thanking the people of the United States for remitting the indemnity. He said that he hoped the friendly relations existing between the United States and China would continue and bring the two countries together even more closely.

The sad news of the illness of the Dowager and the supposed death of the Emperor was referred to. His Excellency then unofficially spoke of a cablegram he had received from the Chinese Government, which did not confirm the news of the Emperor's death.

#### Governor Returns Call.

The Imperial party then took its departure, being driven direct to the Chinese Consulate, where the members were received by the Consul and accorded the usual honors of a visiting dignitary. In a short time Governor Frear, attended by his military aides, arrived at the Consulate and returned the Ambassador's call, and after a few minutes' conversation, departed.

The Ambassador and party did not remain long at the Consulate, and after receiving petitions and taking a little refreshment, the party returned to the Mongolia, where they remained for the rest of the night.

#### Chinese Students Petition.

At the Consulate the president of the Chinese Students' Alliance of Hawaii, Mr. Tom Ahoy acting as spokesman for a delegation, presented a petition to His Excellency which asked that the Chinese Government devote a part of the Boxer indemnity to scholarships in American colleges for Chinese students of the Hawaiian Islands. The Ambassador promised that he would do all he could to help the Chinese students here. As is well known, the Boxer indemnity remitted

## TANG SHAO-YI AND HIS SUITE



From left to right—Leong See, Secretary, Chung Lin, Translator; Tang Shao-yi; Hontuck Som, Customs Collector; Cheung Yam Tong, Secretary. These pictures were taken at the time Tang Shao-yi was appointed as Minister to the Chinese Territory of Tibet to sign the new treaty between England and China.

by the United States is to be devoted by China entirely to the education of Chinese youth in American colleges and universities, and the young men of Hawaii desire to acquire the same advantages. All boys educated from the fund are expected to enter the service of the Empire.

The Ambassador is a graduate of both Harvard and Columbia colleges, and is therefore no stranger to America. At one time he was secretary of the Chinese commission sent to Korea, and headed by Yuan Sie-Kwai, as president. Many of the distinguished men of the Far East have paid tribute to the ability of which he gave proof then in combating Russian intrigues to dispossess China of her natural heritage in Korea. Mr. Tang will now direct his talents to the more easy and agreeable task of strengthening the friendly relations between China and America.

#### Is a Statesman.

Since his service in Seoul, the Ambassador has filled various posts. He obtained from Great Britain a recognition of China's sovereignty in Tibet; in Mukden, China's rights against Japan. He has held high positions in the Wai-Wapu, or foreign affairs office, from which he was chosen for merit for his present position.

The China Mail recently declared that His Excellency's mission to the United States is for a far more important matter than that indicated by his instructions as to Boxer indemnity, and adds:

"Public opinion in the middle kingdom is strongly in favor of the establishment of the most friendly relations with the United States. The native press teems with articles and paragraphs for the most part advocating an alliance. It would be deceiving from American custom and precedent to enter upon such a pact; the United States believes in being friendly with all nations, but still clings firmly to Washington's advice not to enter upon any entangling alliance."

His Excellency has selected for his secretaries and suite in general men of ability, and who will be able to make an impression during their three months' stay in the United States. Those who speak English do so fluently. There are many students in the party, and these will be among the first to receive benefits from the Boxer fund.

The party will proceed to the United States according to the original instructions, despite the news from China.

#### Successor to the Throne.

A member of the suite stated last evening that the successor to the throne, in case of the death of the present Emperor, is the son of Prince Chun, now three years of age. The present Emperor and Prince Chun are both nephews of the Empress Dowager, and are half brothers. The Emperor is the elder. The succession was arranged to go to Prince Chun's son, and not to himself.

## MURDER CHARGE AGAINST NAKAMURA

Nakamura, the Japanese husband of Yoshino, the woman who was found dead in the bathroom of the Sanford home on Monday evening, was charged with murder in the first degree Friday afternoon by Chief Kalakiele. At the inquest, testimony was produced by Captain Spillner and his daughter that Nakamura visited the Sanford home about 8 a. m., remaining a few minutes, and then hurrying away. Nakamura, on the other hand, stated that he was not in the house or near it during that day. It was this discrepancy in the testimony that caused the police to hold Nakamura for investigation.

## HAWAIIAN MUSICIAN DEAD FROM ACCIDENT

APPLETON, Wisconsin, October 28. —William Kai, the Hawaiian baritone, who appeared at the Bijou theater in this city during the week of October 12, passed away at about 4:20 o'clock this morning at St. Elizabeth hospital, to which institution he was removed last Friday afternoon. Death is ascribed to internal hemorrhages resulting from a fall.

Readers will recall that Mr. Kai attempted to climb between two box cars that were blocking the crosswalk at the intersection of Bates and Appleton streets last Friday afternoon and that in so doing his right foot became engaged in the couplings and was badly crushed, when the train started to move. Although the accident suffered the loss of four toes through amputation the injured foot was healing nicely. A short time after his removal to the hospital it developed that in jumping or falling from his position between the two cars that the deceased sustained internal injuries which culminated in his demise this morning.

Although every effort has been made to locate some one who is intimately acquainted with the deceased, so far no one has been found. Mr. Martin, local agent of the C. & N. W. railroad, has conferred with the superintendent of the Wisconsin division relative to the disposition of the body and it is thought that the railroad company will attend to the obsequies. According to the best information interment will be made in this city.

William Kai was a native of the Hawaiian Islands and had been a resident of this country for the past twelve years, during the greater portion of which time he has been engaged in various theatrical ventures. It is learned that Mr. Kai first made his appearance in this country with a band of native Hawaiians and they were for a number of years the feature attraction at the big eastern theatrical centers. Kai had mastered the English language to a remarkable degree of proficiency and was an interesting person to engage in conversation. Definite funeral arrangements will be announced later.

## NEWELL VISITS THE COLLEGE OF HAWAII

Superintendent of Public Instruction W. H. Babbitt together with Mr. Newell spent some time yesterday at the College of Hawaii. Mr. Newell was very much interested in the work of Dean Pope in making the relief maps of the Hawaiian Islands to be used in the Hawaiian Exhibit at the Alaska-Yukon Exposition. He gave Dean Pope a number of suggestions in regard to coloring these maps.

In the relief maps that have heretofore been made the different islands have not all been made to the same scale. But in using these maps in the exhibit it is necessary that they should all be drawn to the same scale. For this purpose it was necessary for the Survey Department to draw new maps of some of the Islands in order that Dean Pope would have the right kind of guides to work from.

#### SAVE THE DOCTOR'S FEE.

If you are a man of moderate means and can not afford to employ a physician when you have an attack of diarrhoea, you will be pleased to know that one or two doses of Chamberlain's Colic, Cholera and Diarrhoea Remedy will cure it. For sale at all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

## NAVAL OFFICER'S WIFE LOSES MANY JEWELS

Mrs. Castor, wife of a naval officer, who is traveling to Manila on the transport Sheridan, lost a bag containing her jewels and some money on Thursday afternoon, between the Channel wharf and the postoffice. She rode in an automobile driven by Mrs. Charles B. Cooper and the handbag containing the jewels evidently slipped from her lap, as she can account for its loss in no other way. As near as she can remember the bag must have slipped out while near the Honolulu Iron Works on Allen street.

In the black leather bag was a khaki bag and inside this were chamois skin and silk socks containing rings, necklaces, pins—in fact all Mrs. Castor's jewelry. Many of the jewels are prized more for their associations than their value. There was a solitaire diamond ring, one with three rubies set in a circle with smaller diamonds between, a sapphire surrounded by diamonds in a platinum setting, another set with three pearls and still another containing a very large pearl. A string of pearls and a diamond and ruby pendant in a French setting, are also among the lost gems.

As Mrs. Castor leaves for Manila today efforts have been redoubled on the part of friends and the police to trace the missing gems.

## JUSTICE WILDER IS BACK AND AT WORK

Justice Wilder of the Supreme Court returned yesterday by the Alameda and took his place on the Supreme Court bench. The matter of the estate of C. Ahi was called for oral argument which had been asked for by the Court. A. L. Castle made his first appearance in the Supreme Court in this case taking part in the argument.

The case of Rose C. Martello vs. Antone A. Martello, an appeal by plaintiffs from the Circuit Court was argued, T. M. Harrison appearing for the plaintiff. The defendant was not represented. The case of L. L. McCandless vs. the Honolulu Plantation Company and others was set for this morning for further argument at the request of the court.

The case of Carl Waldeyer vs. Wailuku Sugar Company on appeal from the Maui Circuit Court was set for Monday.

## GOVERNOR FREAR AND THE JUDGES CONFER

Judge Frear had a long conference with the Circuit Judges and the Supreme Court Justices yesterday afternoon in regard to appropriations for the Judiciary which are to be asked of the Legislature at the coming session. Special consideration was given as to how expenditures could be kept down so as to permit of keeping down the appropriations.

Judge Weaver of the land court was also in conference with the Governor on the subject of needs and appropriations.

Max Eckart of Wailuku, and before that of Honolulu, has returned from a visit to his old home in Germany. He has been gone several months.